

March 1, 2021

Honorable Lorna G. Schofield
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Stansell v. Revolutionary Armed Forces of Colombia ("FARC")*, No. 1:16-mc-00405 (S.D.N.Y.) (Schofield, J.);
Pescatore v. Juvenal Ovidio Ricardo Palmera Pineda, Case No. 1:18-mc-00545 (S.D.N.Y.) (Engelmayer, J.);
Caballero v. FARC, No. 1:20-mc-00249 (S.D.N.Y.) (Nathan, J.):
Joint letter pursuant to Order Dkt. No. 186

Dear Judge Schofield:

Pursuant to Your Honor's Order, Dkt. No. 186, the Garnishees Citibank, N.A., Sumitomo Mitsui Banking Corp. ("SMBC"), Equiniti Trust Company, and JPMorgan Chase Bank, N.A., (collectively, the "Garnishees"), in consultation with the Stansell plaintiffs, the Pescatore plaintiffs, and Caballero (collectively, the "Plaintiffs"), have prepared a chart, enclosed as Exhibit A, which identifies accounts attached by one or more of the Plaintiffs, and the alleged agencies or instrumentalities that form the basis of the Plaintiffs' attempted attachment. Garnishees represent that the blocked accounts have been attached in this District by one or more of the Plaintiffs or, as to the account held by JPMorgan, is expected to be attached soon.¹

This joint letter and Exhibit A are intended for informational purposes only, are not intended to supersede the positions set forth in the parties' joint letter of February 25, 2020 or Caballero's February 26, 2020 letter, and are without prejudice to any arguments Plaintiffs or any party may wish to make, including regarding venue, jurisdiction, or validity of the writs.² The Stansell and Pescatore plaintiffs have verified that the information in the attached table represents actual SDNY court ordered writs of execution that were levied upon each garnishee for the listed agency or instrumentality entities' blocked assets.³ Caballero also has confirmed the accuracy of the enclosed chart as to the

¹ JPMorgan Chase Bank, N.A. is not a party to the Stansell or Pescatore action, but was a signatory to Garnishees' February 23, 2021 letter because it was previously served with writs by the Stansells and Pescatores, which have been released without prejudice, and it expects to become a party in the Caballero action only after pending turnover proceedings in Texas are transferred to this District.

² The Plaintiffs have objected to Exhibit A as including information beyond what Your Honor specifically requested in the February 24, 2020 Order.

³ Judge Carter terminated the Stansells' turnover motion (Dkt. No. 136) against Interactive Brokers LLC because the District of Connecticut "has, and has exercised, jurisdiction over [the] assets [that were subject to the turnover motion]." Dkt. No. 162 at 2. Judge Carter did not vacate the writ itself. The Stansells have indicated that they may move to modify this order to request the turnover motion against (...continued)

accounts Caballero has under writs. The Garnishees confirm the accuracy of the enclosed chart as to their respective blocked assets.

Respectfully submitted,

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(continued....)

Interactive Brokers be “stayed” under 28 U.S.C. §2361, but not “terminated,” pending resolution of the action currently venued in the District of Connecticut. Interactive Brokers reserves its rights to object to any such motion and to seek to terminate any writs of execution or restraining notices directed to it in connection with this action.

/s/ Robert N. Ward

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cc: Counsel of Record (via email and ECF)

TECHNICAL FAILURE STATEMENT

Garnishee Citibank, N.A., on behalf of itself, Sumitomo Mitsui Banking Corp. Equiniti Trust Company, and JPMorgan Chase Bank, N.A. (collectively, the “Garnishees”) submits this statement pursuant to this District’s Electronic Case Filing Rules & Instructions, Section 11. The Garnishees encountered technical failures with the ECF system when filing the Garnishees’ joint letter on March 1, 2021.

We understand that PACER and the NextGen CM/ECF systems were experiencing issues with user authentication on March 1, 2021 and had announced emergency maintenance between the hours of 10:00 PM on March 1 and 4:00 AM on March 2. As a result of these issues, the Garnishees could not access the ECF system. As a result of the ECF system’s technical failures, the Garnishees were unable to file the joint letter on March 1, as required by the Court’s February 24, 2021 Order (Dkt. No. 186), and instead submitted the letter by email to the Chambers email address of the Honorable Lorna G. Schofield, with copies to all parties of record.

Dated: 3/2/2021

/s/ Craig T. Cagney
Craig T. Cagney